CHECKLIST ENVIRONMENTAL ASSESSMENT

Project Name:	De Mars Road Use Land Use License
Proposed Implementation Date:	Summer/Fall 2018
Proponent:	Brian De Mars & Betty Tinsley
Location:	Township 6 South, Range 9 West, Section 36
County:	Beaverhead

I. TYPE AND PURPOSE OF ACTION

Brian De Mars and Betty Tinsley have applied for a Land Use License (LUL) to access their deeded property where they plan to build a new home. There is an existing easement across the state land along the south boundary of the state land that accesses the De Mars and Tinsley property, but the new house will be built on the north end of the deeded land. There is an irrigation pivot and crop land limiting access through the deeded property to the new house location. An LUL would allow De Mars and Tinsley access without having to construct new roads and tear up existing crop land on their deeded land.

The LUL would be for ingress and egress only. No other use would be allowed.

II. PROJECT DEVELOPMENT

1. PUBLIC INVOLVEMENT, AGENCIES, GROUPS OR INDIVIDUALS CONTACTED:

Provide a brief chronology of the scoping and ongoing involvement for this project.

Beaverhead County Commissioners
MT FWP Wildlife Biologist, Craig Fager
MT DNRC Archaeologist, Patrick Rennie
Lessee, Harold Brown
Lessee, Gerald Jones
Lessee, Larry Laknar
Lessee, Andrew Johnson
NRIS Montana Natural Heritage Program
Beaverhead County Planner, Rob Macioroski (6/27/2018)

A scoping letter was sent out on June 22, 2018 with a deadline for written or oral comments by July 20, 2018. The letter was sent to the parties listed above.

2. OTHER GOVERNMENTAL AGENCIES WITH JURISDICTION, LIST OF PERMITS NEEDED:

No other governmental agencies have jurisdiction in this area. No other permits are needed.

3. ALTERNATIVES CONSIDERED:

Action Alternative: Grant a Land Use License to Brian De Mars and Betty Tinsley for the use of an existing road across state land in Section 36, T6S, R9W to access their deeded property.

No Action Alternative: Deny a Land Use License to Brian De Mars and Betty Tinsley for the use of an existing road across state land in Section 36, T6S, R9W to access their deeded property.

III. IMPACTS ON THE PHYSICAL ENVIRONMENT

- *RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.*
- *Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.*
- *Enter "NONE" If no impacts are identified or the resource is not present.*

4. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE:

Consider the presence of fragile, compactable or unstable soils. Identify unusual geologic features. Specify any special reclamation considerations. Identify any cumulative impacts to soils.

The low standard road is stable and has been used for ranch work for many years. The road is located on flat ground with soils being a mix of gravelly loams. The road holds up to use in wet conditions and is used year-round by state lessees and the Beaverhead County Road Department to haul gravel from a gravel pit located on state land.

Action Alternative: Under this alternative additional year-round use of the existing road would occur almost daily. Because of the amount of gravelly loam in the soil it should hold up to this use without rutting or serious road damage. If rutting occurs license holder will need to maintain road by hiring a contractor to grade the road.

No Action Alternative: Under this alternative not additional use of the road will occur, and no additional chance of compacting or rutting of the road will happen.

5. WATER QUALITY, QUANTITY AND DISTRIBUTION:

Identify important surface or groundwater resources. Consider the potential for violation of ambient water quality standards, drinking water maximum contaminant levels, or degradation of water quality. Identify cumulative effects to water resources.

No surface water resources are present near the proposed project area. Neither of the proposed alternatives considered for this project will affect groundwater resources, violate ambient water quality standards, drinking water maximum contaminant levels, or affect water quality standards of the surrounding area.

6. AIR QUALITY:

What pollutants or particulate would be produced? Identify air quality regulations or zones (e.g. Class I air shed) the project would influence. Identify cumulative effects to air quality.

Action Alternative: The proposed action alternative could cause additional dust particulates to be produced from use of the existing road to access the deeded property in Section 35, T6S, R9W. The road is currently being used by lessees and occasionally by the Beaverhead County Road Department to access a gravel pit on state land. The road that will be used to access the deeded property is located just north of the Pioneer Subdivision. The DNRC, Dillon Unit has not received complaints from homeowners in the subdivision to date about dust or air particulates being produced from the current users of the road. Adding additional traffic to the road for a single-family home should not significantly change air quality standards to the surrounding area. If dust and particulate concerns arise dust control mitigation including the use of magnesium chloride on the road could be required of the license holder.

No Action Alternative: No changes to air quality standards would occur if this alternative is chosen.

7. VEGETATION COVER, QUANTITY AND QUALITY:

What changes would the action cause to vegetative communities? Consider rare plants or cover types that would be affected. Identify cumulative effects to vegetation.

The vegetative community on site is common to the area and the state and is composed of a mix of native and non-native species. Current vegetation on the site includes crested wheatgrass, an introduced forage grass, and natives including needle-and-thread grass, blue grama, Western wheatgrass, and fringed sagewort.

Action Alternative: Under this alternative an existing unimproved road on state land would sustain additional use by a single-family residence. There would be very little change in the vegetation cover, quantity or quality of the vegetative communities due to the increased use of the road.

No Action Alternative: No changes in the vegetation cover, quantity and quality would occur under this alternative.

8. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS:
Consider substantial habitat values and use of the area by wildlife, birds or fish. Identify cumulative effects to fish and wildlife.

Action Alternative: A variety of big game, small mammals, raptors, upland game birds and songbirds use this area and activities from the proposed project could disrupt wildlife movement and patterns. The proposed road use LUL however is located directly adjacent to a housing subdivision, Interstate 15, Union Pacific rail line, and Beaverhead County roads. The existing road is already being used by lessees and landowners in the area and this additional use of the road will disrupt wildlife movement even further because use of the road will be daily. There will be no disturbance of fisheries habitat. The river is located approximately 2 miles from the proposed project.

No Action Alternative: Under this alternative there will be no additional disturbance of birds or wildlife.

9. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES:
Consider any federally listed threatened or endangered species or habitat identified in the project area. Determine effects to wetlands. Consider Sensitive Species or Species of special concern. Identify cumulative effects to these species and their habitat.

A search was conducted using the Montana Natural Heritage Program (MNHP) database to identify point observations of species of concern in the section of the proposed activity.

Action Alternative: Point observations documented Grey Wolf, Swainson's Hawk, Ferruginous Hawk and Burrowing Owl.

1) Grey wolf (Canus lupus) – All Southwest Montana is listed as grey wolf habitat. The Southwest Montana wolf population has been deemed as an experimental population and has been proposed for delisting from the endangered species act. The proposed project is located 3 miles from the city of Dillon and immediately adjacent to a major subdivision. The project area is not considered prime wolf habitat and the proposal would not have cumulative effects on wolfs or their habitat.

2) Swainson's Hawk (Buteo swainsoni) – Swainson's Hawk range overlaps the proposed project area. It is listed as a BLM sensitive species. Swainson's hawk nests in brushy areas along river bottoms and hunts primarily in the surrounding bottoms. The proposed project is located 3 miles from the Beaverhead River in dry grassland. No long-term impacts or cumulative effects to Swainson's hawk or its habitat would be anticipated.

3) Ferruginous Hawk (Buteo regalis) – Ferruginous hawks have been sighted adjacent to the proposed project area. It is a BLM sensitive species. The foothill area approximately 1 mile from the project area meets nesting habitat descriptions. The proposed project is located immediately adjacent to a major subdivision with numerous houses, driveways, and activity. The project would not appreciably increase cumulative effects on this species or its habitat.

4) Burrowing Owl (Athene cunicularia) – Burrowing owls are listed as species of concern and sensitive by both the US Forest Service and Bureau of Land Management. Potential habitat is noted as being 1-mile North of the

project area. Due to the proximity of the subdivision previously mentioned and associated high use by humans and pets in the area, no long term or additional cumulative effects would be anticipated from this proposal.

No Action Alternative: Under this alternative there would be no additional impacts to the species listed above.

10. HISTORICAL AND ARCHAEOLOGICAL SITES:
Identify and determine effects to historical, archaeological or paleontological resources.

Action Alternative: A Class I (literature review) level review was conducted by the DNRC staff archaeologist for the area of potential effect (APE). This entailed inspection of project maps, DNRC's sites/site leads database, land use records, General Land Office Survey Plats, and control cards. The Class I search revealed that no cultural or paleontological resources have been identified in the APE. Because the APE on state land consists of an existing road and no additional road construction work is proposed, on-site archaeological investigative work will not be conducted in response to this proposed project.

No Action Alternative: Under this alternative no changes are impacts to historical and or archeological sites would occur.

11. AESTHETICS:
Determine if the project is located on a prominent topographic feature, or may be visible from populated or scenic areas. What level of noise, light or visual change would be produced? Identify cumulative effects to aesthetics.

Action Alternative: Under this alternative the existing road on the state land would receive additional year-round traffic. This additional use will produce an increase in noise, light and some visual changes to the project area. The area however already has considerable use from the adjoining Pioneer Subdivision and the Interstate 15 corridor is within ¼ mile of the proposal. Any changes will be small and not overly significant to the area.

No Action Alternative: No changes to aesthetics will occur under this alternative.

12. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY:
Determine the amount of limited resources the project would require. Identify other activities nearby that the project would affect. Identify cumulative effects to environmental resources.

Action Alternative: This alternative will allow De Mars & Tinsley to access their proposed new home under a land use license across an existing road on state land. These land owners already have an easement to their property across the state land but have chosen to apply for an additional access point so they don't have to build a new road across their deed property that currently has an irrigated hay field on it. By granting a license to the proposed house location De Mars and Tinsley will not have to build another road in the area that parallels the existing road on state land which is a couple of hundred yards away from it. This alternative will reduce ground disturbance in an area that already has a lot of disturbance due to the adjacent subdivision.

No Action Alternative: Under this alternative De Mars & Tinsley would need to build a new road across their deeded property and tear up their hay field to access their desired homesite location.

13. OTHER ENVIRONMENTAL DOCUMENTS PERTINENT TO THE AREA:
List other studies, plans or projects on this tract. Determine cumulative impacts likely to occur as a result of current private, state or federal actions in the analysis area, and from future proposed state actions in the analysis area that are under MEPA review (scoped) or permitting review by any state agency.

No other studies or projects are currently being conducted on the state tract. A 30 foot right -of- way easement was granted to Harold Brown, Susan Foss and Peggy Colman in 2008. An environmental assessment of that proposal was completed in February 2008 and is on file at the Dillon Unit office.

IV. IMPACTS ON THE HUMAN POPULATION

- *RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.*
- *Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.*
- *Enter "NONE" If no impacts are identified or the resource is not present.*

14. HUMAN HEALTH AND SAFETY:

Identify any health and safety risks posed by the project.

Action Alternative: Will increase traffic use on the state road which may increase the risk of a traffic accident with lessees, and merging traffic where the Pioneer Subdivision Road, State road, and road from the west come together. There are good sight distances on all three roads and the roads are lower standard roads. Due to the lower standard roads traffic will not be moving at high rate of speed. If problems or complaints are received about the additional traffic, the DNRC could require De Mars & Tinsley to install a stop sign where the state road meets the other two roads as a mitigation measure.

No Action Alternative: Traffic use could increase but there are existing signs on the existing subdivision roads so additional traffic already has controls in place.

15. INDUSTRIAL, COMMERCIAL AND AGRICULTURE ACTIVITIES AND PRODUCTION:

Identify how the project would add to or alter these activities.

Neither of the proposed alternatives will alter or change industrial, commercial and agriculture activities and production in the surrounding area of this proposal.

16. QUANTITY AND DISTRIBUTION OF EMPLOYMENT:

Estimate the number of jobs the project would create, move or eliminate. Identify cumulative effects to the employment market.

Neither of the proposed alternatives will affect quantity and distribution of employment in the Dillon area.

17. LOCAL AND STATE TAX BASE AND TAX REVENUES:

Estimate tax revenue the project would create or eliminate. Identify cumulative effects to taxes and revenue.

Neither of the proposed alternatives will affect local and state tax base or tax revenues.

18. DEMAND FOR GOVERNMENT SERVICES:

Estimate increases in traffic and changes to traffic patterns. What changes would be needed to fire protection, police, schools, etc.? Identify cumulative effects of this and other projects on government services.

De Mars & Tinsley plan on building a home on their property whether they use the existing road on state land under a LUL, or they access their home site on their deeded property. There will be an increase in the demand for government services under both proposed alternatives if a new house is constructed on the deeded property.

19. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS:
List State, County, City, USFS, BLM, Tribal, and other zoning or management plans, and identify how they would affect this project.

There are no locally adopted environmental plans, goals or zoning identified in this area.

20. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES:
Identify any wilderness or recreational areas nearby or access routes through this tract. Determine the effects of the project on recreational potential within the tract. Identify cumulative effects to recreational and wilderness activities.

Action Alternative: Due to the amount of traffic and human use of the surrounding area from the subdivision and agricultural use recreational activities are limited. The action alternative will increase vehicle traffic on the state section however recreational activities are already limited due to houses and traffic in the area.

No Action Alternative: Under this alternative no changes to recreational use on state land will occur.

21. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING:
Estimate population changes and additional housing the project would require. Identify cumulative effects to population and housing.

Action Alternative: This alternative will allow the proponent to construct a new home and access it through state land using a Land Use License.

No Action Alternative: Proponent will not be allowed to access his home over an existing road on state land, however he can build a new road on the proponents deeded property and still build a new residence.

22. SOCIAL STRUCTURES AND MORES:
Identify potential disruption of native or traditional lifestyles or communities.

Neither of the proposed alternatives will disrupt traditional lifestyles or communities.

23. CULTURAL UNIQUENESS AND DIVERSITY:
How would the action affect any unique quality of the area?

Neither of the proposed alternatives will alter the cultural uniqueness and diversity of the surrounding area.

24. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:
Estimate the return to the trust. Include appropriate economic analysis. Identify potential future uses for the analysis area other than existing management. Identify cumulative economic and social effects likely to occur as a result of the proposed action.

Action Alternative: Issuing a Land Use License to the proponent will generate $250 annually if the license is issued. A ten-year license will generate $2,500 for the Common School Trust.

No Action Alternative: Under this alternative no license would be issued, and no money would be generated for the Common Schools Trust.

EA Checklist Prepared By:	Name: Timothy Egan	Date: 8/10/2018
	Title: Dillon Unit Manager	

V. FINDING

25. ALTERNATIVE SELECTED:

Action Alternative: Grant a Land Use License to Brian De Mars and Betty Tinsley for the use of an existing road across state land in Section 36, T6S, R9W to access their deeded property.

26. SIGNIFICANCE OF POTENTIAL IMPACTS:

No long term or cumulative impacts are anticipated by issuing a ten year license to De Mars and Tinsley for an access to their house.

27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:

[ ] EIS [ ] More Detailed EA [X] No Further Analysis

EA Checklist Approved By:	Name: MARTIN BALUKAS Title: TRUST LAND PROGRAM MGR	
Signature:		Date: 8/10/18

ATTACHMENT – MAP

De Mars & Tinsley Road Use License Proposal
Section 36, T6S R9W, Beaverhead County